

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

STEPHEN PATRICK HORNFECK,)	
)	
Plaintiff,)	
)	
vs.)	2:05-cv-01794-JHH-JEO
)	
ROBBY OWENS and THE ALABAMA)	
ATTORNEY GENERAL,)	
)	
Defendants.)	

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on November 30, 2005, recommending in this action filed pursuant to 42 U.S.C. § 1983 that the plaintiff's request to proceed without prepayment of fees (doc. 2) be **DENIED**, his request for federal intervention be **DENIED**, and his complaint be **DISMISSED WITHOUT PREJUDICE**. The plaintiff filed objections to the report and recommendation on December 13, 2005.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the plaintiff's requests to proceed without prepayment of fees (doc. 2) and for federal intervention are due to be **DENIED**, and his complaint be **DISMISSED WITHOUT PREJUDICE**. An appropriate order will be entered.

DONE this the 6th day of January, 2006.



SENIOR UNITED STATES DISTRICT JUDGE